

Senate File 185 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 78)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to scrap metal transactions, prohibiting certain
2 sales, and imposing criminal penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1170SV 83
5 tm/nh/5

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1 1 Section 1. NEW SECTION. 714.27 SCRAP METAL TRANSACTIONS
1 2 AND REPORTING == PENALTIES.
1 3 1. For purposes of this section, and unless the context
1 4 otherwise requires, the following definitions shall apply:
1 5 a. "Scrap metal" means any metal suitable for
1 6 reprocessing.
1 7 b. "Scrap metal dealer" means any person operating a
1 8 business at a fixed or mobile location that is engaged in one
1 9 of the following activities:
1 10 (1) Buying, selling, procuring, collecting, gathering,
1 11 soliciting, or dealing in scrap metal.
1 12 (2) Operating, managing, or maintaining a scrap metal
1 13 yard.
1 14 c. "Scrap metal yard" means any yard, plot, space,
1 15 enclosure, building, mobile facility, or other place where
1 16 scrap metal is collected, gathered together, stored, or kept
1 17 for shipment, sale, or transfer.
1 18 2. a. A person shall not sell scrap metal to a scrap
1 19 metal dealer in this state unless the person provides to the
1 20 scrap metal dealer, at or before the time of sale, the
1 21 person's name, address, and place of business, if any, and
1 22 presents to the scrap metal dealer a valid driver's license or
1 23 nonoperator's identification card, military identification
1 24 card, passport, or other government-issued photo
1 25 identification.
1 26 b. A scrap metal dealer shall not make an initial purchase
1 27 of scrap metal from a person without demanding and receiving
1 28 the information required by this subsection. However, after
1 29 an initial transaction, a scrap metal dealer may only require
1 30 the person's name and place of business for subsequent
1 31 purchases, provided the scrap metal dealer retains all
1 32 information received during the initial transaction.
1 33 3. A scrap metal dealer shall keep a confidential register
1 34 or log of each transaction, including a record of the
1 35 information required by subsection 2. All records and
2 1 information kept pursuant to this subsection shall be retained
2 2 for at least two years, and shall be provided to a law
2 3 enforcement agency upon request during normal business hours
2 4 when the law enforcement agency has reasonable grounds to
2 5 request such information as part of a criminal investigation.
2 6 A law enforcement agency shall preserve the confidentiality of
2 7 the information provided under this subsection and shall not
2 8 disclose it to a third party, except as may be necessary in
2 9 the prosecution of a criminal violation.
2 10 4. The following scrap metal transactions are exempt from
2 11 the requirements of this section:
2 12 a. Transactions in which the total sale price is fifty
2 13 dollars or less, except transactions for the sale of catalytic
2 14 converters.
2 15 b. Transactions for the sale of catalytic converters in
2 16 which the total sale price is seventy-five dollars or less.

2 17 c. Transactions in which a scrap metal dealer is selling
2 18 scrap metal.
2 19 d. Transactions in which the person selling the scrap
2 20 metal is known to the scrap metal dealer purchasing the scrap
2 21 metal to be the officer, employee, or agent of an established
2 22 commercial or industrial business, operating from a fixed
2 23 location, that may reasonably be expected to produce scrap
2 24 metal during the operation of the business.
2 25 5. A person who violates this section is guilty of a
2 26 simple misdemeanor. However, a person who violates this
2 27 section three or more times within a two-year period is guilty
2 28 of a serious misdemeanor.

2 29 EXPLANATION

2 30 This bill relates to scrap metal sales.

2 31 The bill prohibits persons from selling scrap metal to a
2 32 scrap metal dealer without providing identification and
2 33 certain information such as a permanent address during an
2 34 initial sale. Less information is required for subsequent
2 35 transactions.

3 1 The bill exempts certain transactions of small dollar
3 2 amounts and transactions in which the person selling the scrap
3 3 metal is a scrap metal dealer or in which the person selling
3 4 is known to the scrap metal dealer as an established business
3 5 that generates scrap metal.

3 6 The bill requires scrap metal dealers to maintain a
3 7 confidential log of transactions and keep records of
3 8 transactions for at least two years and to provide that
3 9 information to law enforcement agencies upon request and upon
3 10 reasonable grounds.

3 11 The bill imposes criminal penalties for violations. A
3 12 person who violates the Code chapter is guilty of a simple
3 13 misdemeanor, and a person who does so three or more times in a
3 14 two-year period is guilty of a serious misdemeanor.

3 15 A simple misdemeanor is punishable by confinement for no
3 16 more than 30 days or a fine of at least \$65 but not more than
3 17 \$625 or by both.

3 18 A serious misdemeanor is punishable by confinement for no
3 19 more than one year and a fine of at least \$315 but not more
3 20 than \$1,875.

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